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REMARKS/ARGUMENTS

By the present amendment, claims 9, 13-15, 19, 21, 27, 30, and 35 have been amended to more clearly define Applicant's invention. Claim 23 has been cancelled and the substance thereof has been incorporated into amended claim 21. The dependency of claim 24 has been amended to depend from claim 21 rather than canceled claim 23.

In the Office Action, the Examiner has objected to claim 23 because he believes that it shows that it is amended and does not show any changes to be made. It is apparent that the Examiner has not seen the amendment to that claim. The Examiner's attention is directed to line 2 of claim 23 where the word "includes" has been changed to "include". The "s" has been deleted from claim 23. Claim 23 has been cancelled and the issue is moot.

The Examiner has also objected to claim 22 for being improperly dependent for failing to further limit the subject matter of previous claim 21. The Examiner is in error in his rejection. Claim 22 calls for sockets to be formed of wear resistant metal whereas claim 21 calls for the socket to be made of a wear resistant material. The Examiner should appreciate that the term "metal" further restricts the term "material" which could include metal as well as other materials such as reinforced plastics.

Claim Rejections 35 U.S.C. § 102

Claims 21-28, 31-33, and 37 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the DeFalco U.S. Patent No. 4,532,973. This rejection is respectfully traversed.

The Examiner represents that DeFalco '973 discloses a roll-up door comprising multiple stacked extruded panels. The Examiner is in error. There are no extruded panels disclosed in the DeFalco '973 patent. The Examiner is invited to refer to the column and line number where extruded panels have been disclosed. The DeFalco '973 patent discloses a roll-up door construction wherein hollow panels are formed of sheets of material which are mounted to a hinge set that includes a hinge knuckle which interconnects the door sections along lateral edges.

The hinge set includes hinge components that form a partial socket and a knuckle which fits within the socket. The hinge components have longitudinally extended flanges which fit within

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or outside of the sheets of material. The flanges in the hinge section are said to be attached to the sheets of material but no method of attaching the hinge section to the panel is disclosed. Further, the knuckle socket of the DeFalco '973 reference mounts a bearing sleeve which is replaceable and which forms a socket for a roller axle.

Claim 21 defines a roll-up door and includes multiple integrally formed elongated panels having opposite interior and exterior walls with a relatively hollow interior and a lower side connecting an upper portion of the walls and at a lower portion of the walls. This structure is not disclosed in DeFalco '973. DeFalco's panels are made up of independent sheets of material which are joined together at the hinge sets. They are not integrally formed panels.

Further, claim 21 calls for a mounting plate having a socket made of a wear resistant material attached to each of the lateral sides of the panels through a mechanical fastener that extends through the interior and exterior walls of the panel and the socket receives an axle of a wheel assembly therein. This structure is not disclosed in DeFalco '973. In addition to not disclosing the integrally formed panels, DeFalco '973 does not disclose a mounting plate which mounts a socket that receives an axle of the wheel assembly and that is attached to the integrally formed panels through mechanical fasteners that extend through both the interior and exterior walls of the panel. Claim 21 further calls for the mounting plate to be attached to each of the lateral sides of the panels. DeFalco '973 discloses a channel that extends across the width of the panels and that forms a hinge between the panels.

Thus, DeFalco '973 does not disclose each and every element of claim 21 and the Examiner's rejection of claim 21 under 35 U.S.C. § 102(b) as anticipated by DeFalco '973 is inappropriate and should be withdrawn.

Claims 22-28, 31-33, and 37 all depend from either directly or indirectly from claim 21 and define over the DeFalco '973 patent in the same fashion as claim 21. Thus, claims 21-28, 31-33, and 37 patentably define over the DeFalco '973 reference.

Claim 38 has been rejected under 35 U.S.C. § 102(b) as being anticipated by the Machill U.S. Patent No. 4,972,894. This rejection is respectfully traversed. The Machill '894 patent discloses a roll-up door comprising multiple stacked panels and a hinge assembly comprising an

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arcuate projection including a flange at one end and a socket at the other end and including a curved surface and a hook portion. However, contrary to the Examiner's representation, Machill '894 does not disclose an elongated arcuate portion wherein the elongated arcuate portion fills a gap at the facing edges of the panels as the panels rotate about the hinge. The Examiner's attention is directed to FIG. 9 of the Machill '894 patent which shows that an ever widening gap is developed between the facing edges of the panels as the panels rotate about the hinge. This gap provides an area where fingers of an attendant can be pinched when the doors are closed. Thus, claim 38 patentably defines over the Machill '894 patent.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 9, 11, and 13-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the DeFalco '973 patent in view of the Woernle U.S. Patent No. 2,184,879. This rejection is respectfully traversed.

The alleged combination of DeFalco '973 and Woernle '879 is traversed. There is no basis for making the alleged combination. Whereas DeFalco '973 relates to the subject matter of Applicant's claims 9, 11, and 13-18, the Woernle '879 patent does not. It relates to door latches for household doors, for example. There is nothing in the latch of Woernle that represents anything similar to the latch that's used in a roll-up door. Although Woernle discloses a latch in a bottom panel of a door, the structure is not disclosed.

Even if the alleged combination of DeFalco '973 and Woernle '879 were made, however, untenably, it still would not reach Applicant's claimed invention. At best, it would show the latch of Woernle '879, recessed perhaps in the bottom edge of the bottom panel of the DeFalco '973 door. The structure would not come within the scope of claims 9, 11, and 13-18 of Applicant's claimed invention.

Claims 9, 11, and 13-18 relate to a roll-up door that is formed by multiple integrally formed elongated panels having opposing interior and exterior walls at an upper and lower side connecting the upper portion of the walls at a lower portion of the walls respectively. Neither of

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the DeFalco '973 or the Woernle '879 patent discloses a structure wherein panels are integrally formed with opposing interior and exterior walls as defined in claim 9.

Claims 9, 11, and 13-18 define over the alleged combination of DeFalco '973 and Woernle '879 in calling for multiple integrally formed elongated panels having opposing interior and exterior walls and upper and lower sides connecting an upper portion of the walls and a lower portion of walls respectively. This structure is not disclosed in the alleged combination of DeFalco '973 and Woernle '879.

Further, the alleged combination of DeFalco '973 and Woernle '879 does not disclose a bottom panel which is extruded and has a predominantly hollow interior between the interior and exterior walls. No such structure is disclosed in either of these references. Nor is it fairly taught by the alleged combination of DeFalco '973 and Woernle '879.

Still further, the alleged combination of DeFalco '973 and Woernle '879 would not include a latch recess in the exterior wall, multiple mounting supports disposed within the hollow interior and extending between the latch recess in the interior wall. At best, any latch recess in the alleged combination of DeFalco '973 and Woernle '879 would be in the underside of the panel and not in the exterior panel. Further, there is no disclosure in either of the references of multiple mounting supports disposed within the hollow interior and extending between the latch recess and the interior wall as required by claims 9, 11, and 13-18. Still further, there is no disclosure in the alleged combination of DeFalco '973 and Woernle '879 of a latch assembly received in the claimed latch recess. The Examiner is respectfully requested to read carefully all of the limitations of claim 9.

In view of the foregoing, it is submitted that claims 9, 11, and 13-18 patentably define over the alleged combination of DeFalco '973 and Woernle '879.

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeFalco '973 in view of Woernle '879 and further in view of the Yane U.S. Patent No. 5,421,627. This rejection is respectfully traversed.

The alleged combination of DeFalco '973, Woernle '879, and Yane '627 is traversed. The Yane '627 patent discloses a high performance door latch mechanism for sliding doors. The

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uncombinability of DeFalco '973 and Woernle '879 has been discussed above and is believed equally applicable here. There is nothing in the Yane '627 patent that is remotely related to either of the Woernle '879 or the DeFalco '973 patents. They come from different endeavors and indeed deal with different problems. The Examiner's alleged combination defies logic and the law of combining references under 35 U.S.C. § 103(a).

However, even if the alleged combination of DeFalco '973, Woernle '879, and Yane '627 were made, however untenably, as suggested by the Examiner, it still would not reach Applicant's claimed invention. Claim 12 depends from claim 11 and defines over the alleged combination of references in the same manner as claim 11. For example, the alleged combination of references does not disclose a roll-up door with multiple integrally formed elongated panels having opposing exterior and interior walls, an upper and a lower side connecting an upper portion of the walls and a lower portion of the walls respectively as required by claim 9.

Further, the alleged combination of references would not have bottom panel that is extruded and has a predominantly hollow interior between the exterior and interior walls as required by claim 12. Still further, the alleged combination of references would not have a bottom panel that includes a latch recess in the exterior wall and multiple mounting supports disposed within the hollow interior and extending between the latch recess and the interior walls with a latch assembly received in the latch recess also as required by claim 12. At best, the alleged combination of references would have a latch recessed into the bottom edge of the DeFalco '973 hinge sets through some sort of an alignment feature although the Examiner has given no guidance as to where this alignment indicia would be positioned. Thus, claim 12 patentably defines over any tenable combination of DeFalco '973, Woernle '879, and Yane '627.

Claims 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentably over DeFalco in view of Woernle and further in view of the Miller et al. U.S. Patent No. 6,431,605. This rejection is respectfully traversed.

The alleged combination of DeFalco '973 with Woernle '879 and Miller '605 is traversed. There is no basis for making the alleged combination. The uncombinability of

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DeFalco '973 and Woernle '879 has been discussed above and is believed equally applicable here. Miller '605, on the other hand, relates to a fender mounting with a conspicuity plate mounted thereto. It does not relate to a roll-up door. There is no suggestion in any of the references of mounting the Miller '605 conspicuity fender mounting assembly to the roll-up door assembly of DeFalco '973. The Examiner has given no reason as to why it would be obvious to position the Miller '605 conspicuity plate on the DeFalco '973 door as required by 35 U.S.C. § 103(a).

However, even if the alleged combination of DeFalco '973, Woernle '879, and Miller '605 were to be made, however tenably, it still would not reach Applicant's claimed invention. At best, the alleged combination of references would provide the Miller '605 conspicuity plate attached to a bottom panel of the DeFalco '973 roll-up door. However, this alleged combination would not reach Applicant's claimed invention of claims 19 and 20. Claim 19 relates to a roll-up door that includes multiple integrally formed elongated panels having opposed interior and exterior walls at upper and lower sides connecting an upper portion of the walls at a lower portion of the walls respectively. This concept is not disclosed in any of the three references. Nor is it disclosed in the Examiner's alleged combination of references.

Further, claim 19 calls for the bottom panel to be extruded. None of the cited references discloses a roll-up door with a bottom panel which is extruded and has opposing interior and exterior walls, all integrally formed as required by claim 19.

Still further, claim 19 calls for the bottom panel to have a reflector recess formed in the exterior walls and located near a bottom portion of the panels and of a size to receive therein a conspicuity reflector. The Examiner's alleged combination of references would not have a conspicuity reflector recess in a bottom portion of the bottom panel exterior wall as set forth in claim 19. None of the references disclose this concept. Nor is it disclosed in the Examiner's alleged combination of references.

Claim 20 depends from claim 19 and defines over the Examiner's alleged combination of references in the same fashion as claim 19. Claim 20 further requires a latch recess in the exterior wall at the bottom portion thereof, the latch assembly is mounted in the latch recess and

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the reflector recess is positioned above the latch recess. This concept is further not disclosed in any of the cited references, nor can it be disclosed in the Examiner's alleged combination of references.

In view of the foregoing, it is apparent that claims 19 and 20 define over any tenable combination of DeFalco '973, Woernle '879, and Miller '605.

Finally, claims 29, 30, and 34-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeFalco '973 in view of the Jarvis et al. U.S. Patent No. 5,411,782. This rejection is respectfully traversed.

The Jarvis et al. '782 patent discloses inner fitting plastic panels which are connected to each other in side by side relationship by inner fitting male and female connectors to form a planar structure such as a cover. The panels hinge to each other about hinges to permit the panel sections to be folded against each other for stacking purposes. The panels can be extruded from a plastic material. End caps are positioned in the extruded panels to close the ends thereof. The assembled panels are used for covers of an open container such as a swimming pool. Contrary to the Examiner's representation, Jarvis et al. '782 do not disclose a door panel configuration.

The alleged combination of Jarvis et al. '782 with DeFalco '973 is traversed. There is no basis for making the alleged combination and the Examiner has given no basis for the alleged combination. The mere fact that end caps are used in the swimming pool cover of Jarvis et al. '782, does not mean that such end cap can be used in the DeFalco '973 roll-up door construction.

However, even if the alleged combination of DeFalco '973 and Jarvis et al. '782 were to be made, however untenably, it still would not reach Applicant's claimed invention. Claims 29, 30, and 34-36 relate to end caps that close the open ends of the integrally formed panels that are defined in independent claim 21. Further, claims 30 and 35 call for the mechanical fasteners which secure the socket mounting plate to the panels to also extend through the end cap mounting tabs to secure the end caps to the panel. This structure is not disclosed in any of the references. Nor is it disclosed in the Examiner's combination of references.

Further, claims 29, 30, and 34-36 define over the alleged combination of DeFalco '973 and Jarvis et al. '782 in the same manner that claim 21 defines over the alleged combination.

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Specifically, claim 21 calls for multiple integrally formed elongated panels having opposing interior and exterior walls with a relatively hollow interior and an upper and lower side connect the upper and lower portions of the walls, respectively. Further, claim 21 calls for a mounting plate having a socket made of a wear resistant material attached to each of the lateral sides of the panel through mechanical fasteners that extend through the interior and exterior walls of the panel. This concept is not disclosed in the alleged combination of DeFalco '973 and Jarvis et al. '782.

In view of the foregoing, it is submitted that claims 29, 30, and 34-36 patentably define over any alleged combination of DeFalco '973 and Jarvis et al. '782.

The Examiner's indication of the allowability of claims 2-4 and 39-43 is appreciated. In view of Applicant's position as to the patentability of the independent claims from which these claims depend, Applicant has not rewritten these claims in independent form.

In view of the foregoing remarks and amendments, it is submitted that all of the claims in the application are allowable. Early notification of allowability is respectfully requested.

If the Examiner believes that there are some unresolved issues and that all of the claims are not allowable for any reason, the courtesy of a telephone interview is requested to advance the prosecution of the application. The Examiner is requested to inform the undersigned by telephone of the Examiner's position on any of the issues that remain unresolved after this response.

Respectfully submitted,

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